

KOSTELANETZ & FINK, LLP  
7 WORLD TRADE CENTER, 34<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10007

WASHINGTON, DC OFFICE  
601 NEW JERSEY AVENUE, NW, SUITE 620  
WASHINGTON, DC 20001

TEL: (202) 875-8000  
FAX: (202) 844-3500

TEL: (212) 808-8100  
FAX: (212) 808-8108  
www.kflaw.com

January 6, 2020

**By ECF**

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: **United States v. Gary Tanner and Andrew Davenport,**  
**S1 17 Cr. 61 (LAP)**

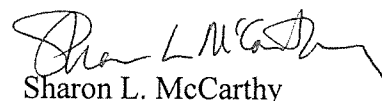
Dear Judge Preska:

On December 5, 2019, this Court granted our request to have Andrew Davenport surrender to the Bureau of Prisons to begin serving his sentence tomorrow, January 7, 2020. Unfortunately, the Court's order did not make its way to the U.S. Marshals Service or the Bureau of Prisons. As of this morning, Mr. Davenport was not on any list to surrender either to the U.S. Marshals or FCI Schuylkill Satellite Camp, to which he had been designated before he was granted bail pending appeal in January 2019.

I have spoken with the U.S. Marshals Service, and they advised me that it will take at least two weeks from the date the Court issues the order for Mr. Davenport to surrender for him to be designated. Were Mr. Davenport to surrender tomorrow, as ordered by the Court, he would have to spend time in the U.S. Marshals' custody, which is not ideal considering his substantial health issues.

Accordingly, we respectfully request that the Court adjourn Mr. Davenport's surrender date to Tuesday, January 21, 2020 in order to give the various agencies sufficient time to prepare for his arrival at FCI Schuylkill Satellite Camp. I attempted to reach AUSA Richard Cooper, but his automatic e-mail response indicates that he is currently on trial, so I am unable to provide the government's position on this request.

Respectfully,

  
Sharon L. McCarthy

cc: AUSA Richard Cooper (by ECF)